

106TH CONGRESS  
2D SESSION

# S. 3006

To remove civil liability barriers surrounding donating fire equipment to volunteer fire companies.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 6, 2000

Mr. ASHCROFT introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To remove civil liability barriers surrounding donating fire equipment to volunteer fire companies.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Good Samaritan Vol-  
5       unteer Firefighter Assistance Act of 2000”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds that—

8               (1) heavy industry is constantly improving and  
9       updating its fire protection equipment to take ad-  
10      vantage of new state-of-the-art innovation and sur-

1 plus equipment may be almost new or never used to  
2 put out a single fire;

3 (2) under current law, if donated fire-fighting  
4 equipment malfunctions, the threat of civil liability  
5 extends to both the original manufacturer and the  
6 entity that donates the equipment;

7 (3) this threat of civil liability causes many  
8 heavy industry organizations to destroy, rather than  
9 donate, millions of dollars of quality fire equipment;

10 (4) according to some estimates, the generosity  
11 of over 800,000 volunteer firefighters nationwide  
12 save State and local governments \$36,800,000,000 a  
13 year;

14 (5) many volunteer fire companies, particularly  
15 in rural areas, lack the resources to purchase new  
16 fire equipment;

17 (6) taxpayers spend millions of dollars pur-  
18 chasing new equipment for volunteer fire companies;

19 (7) volunteer firefighters spend a large amount  
20 of time raising money for new equipment and that  
21 time could be better spent training to respond to  
22 emergencies;

23 (8) volunteer fire companies have received mil-  
24 lions of dollars in quality fire fighting equipment in  
25 States that have removed liability barriers that ob-

1       struct the generosity and good will of private entities  
2       that wish to donate surplus, quality fire equipment  
3       to volunteer fire companies;

4           (9) donated fire equipment should be recertified  
5       to meet manufacturer's specifications in order to  
6       mitigate the risk that firefighters and the public will  
7       receive defective equipment; and

8           (10) the Congress should respond to the needs  
9       of volunteer fire companies by encouraging States to  
10      remove civil liability barriers that obstruct donations  
11      to volunteer fire companies.

12 **SEC. 3. REMOVAL OF CIVIL LIABILITY BARRIERS.**

13       (a) LIABILITY PROTECTION.—

14           (1) INDIVIDUAL RULE.—A person who donates  
15      qualified fire control or fire rescue equipment to a  
16      volunteer fire company shall not be liable in civil  
17      damages in any State or Federal Court for personal  
18      injuries, property damage, or death proximately  
19      caused by a defect in the equipment.

20           (2) STATE OR LOCAL RULE.—A State or local  
21      agency or its agents that administer the distribution  
22      of qualified fire control or fire rescue equipment to  
23      a volunteer fire company shall not be liable in civil  
24      damages in any State or Federal Court for personal

1 injuries, property damage, or death proximately  
 2 caused by a defect in the equipment.

3 (b) EXCEPTIONS TO LIABILITY PROTECTION.—The  
 4 liability protection in subsection (a) does not cover a per-  
 5 son or agency if—

6 (1) the person’s act or omission proximately  
 7 causing the injury, damage, or loss constitutes mal-  
 8 ice, gross negligence, recklessness, or intentional  
 9 misconduct; or

10 (2) the person is the manufacturer of the quali-  
 11 fied fire control or fire rescue equipment.

#### 12 **SEC. 4. DEFINITIONS.**

13 In this Act:

14 (1) PERSON.—The term “person” means any  
 15 individual, corporation, company, association, firm,  
 16 partnership, society, joint stock company, or any  
 17 other entity (including any governmental entity).

18 (2) FIRE CONTROL OR RESCUE EQUIPMENT.—  
 19 The term “fire control or fire rescue equipment” in-  
 20 cludes fire vehicles, fire fighting tools, protective  
 21 gear, fire hose, and breathing apparatus.

22 (3) QUALIFIED FIRE CONTROL OR RESCUE  
 23 EQUIPMENT.—The term “qualified fire control or  
 24 fire rescue equipment” means fire control or fire res-  
 25 cue equipment that has been recertified by an au-

1       thorized technician as meeting the manufacturer's  
2       specifications and has been distributed through a  
3       State or local agency to the volunteer fire company.

4           (4) AUTHORIZED TECHNICIAN.—The term “au-  
5       thorized technician” means a technician that has  
6       been certified by the manufacturer to inspect fire  
7       control or fire rescue equipment. The technician  
8       need not be employed by the State or local agency  
9       administering the distribution of the fire control or  
10      fire rescue equipment.

11 **SEC. 5. EFFECTIVE DATE.**

12       This Act shall take effect 30 days from the date of  
13      its enactment and only applies to a cause of action that  
14      accrues on or after that date.

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